

HEATHER E. WILLIAMS, CA Bar #122664
Federal Defender
MEGHAN D. McLOUGHLIN, NY Bar # 282400
Assistant Federal Defender
Designated Counsel for Service
801 I Street, 3rd Floor
Sacramento, CA 95814
Telephone: (916) 498-5700
Fax: (916) 498-5710

Attorneys for Defendant
DARYOL RICHMOND

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 1:21-cr-00184-DAD-BAM
)	
Plaintiff,)	UNOPPOSED MOTION AND ORDER TO
)	RELEASE DEFENDANT FROM WRIT OF
vs.)	HABEAS CORPUS AD PROSEQUENDUM
)	TO RETURN TO STATE CUSTODY
DARYOL RICHMOND, <i>et al.</i> ,)	PENDING SENTENCING HEARING;
)	EXHIBIT
Defendant.)	
)	Judge: Hon. Dale A. Drozd

Defendant Daryol Richmond, by and through his counsel of record, Assistant Federal Defender Meghan D. McLoughlin, hereby requests that this Court order the defendant returned to state custody at the Kern Valley State Prison in Delano, California, until such time as this Court will order his return to federal custody for the judgment and sentencing hearing in this matter. The government does not oppose this request.

On July 15, 2021, Mr. Richmond was indicted on charges of Conspiracy to Commit Mail Fraud and Aggravated Identity Theft. (ECF No. 1). At the time he was indicted, Mr. Richmond was serving a multi-year state sentence the Kern Valley State Prison in Delano, California. On August 3, 2021, he appeared in federal court pursuant to a Writ of Habeas Corpus Ad Prosequendum. (ECF Nos. 10, 16.) Mr. Richmond desired to resolve his federal case as quickly as possible and, as such, set a change of plea hearing for February 22, 2022. On that date, Mr.

1 Richmond pleaded guilty to Conspiracy to Commit Mail Fraud and Aggravated Identity Theft,
2 pursuant to a written plea agreement. (ECF Nos. 77.) The Court set a sentencing date over six
3 months away on September 19, 2022, due to defense counsel's current sentencing investigation
4 and her upcoming extended medical leave. (ECF No. 112). In the meantime, Mr. Richmond
5 desires to return to state custody where he has been taking advantage of rehabilitative programs,
6 such as drug and alcohol use treatment, reentry planning, and vocational classes. His
7 programming is not only instrumental in his rehabilitation, but could also have an impact on his
8 release date from state custody. While in federal pretrial custody, Mr. Richmond does not have
9 access to the same quality of programming and is just sitting in a cell waiting to be sentenced,
10 often on lockdown due to the COVID-19 pandemic. In addition, in CDCR custody, Mr.
11 Richmond receives regular medical care for chronic conditions, such as physical therapy for a
12 previously dislocated shoulder and prescription treatment for recurring cysts in his chest. This
13 relief has not been available to Mr. Richmond while in county lockup at the Lerdo Pretrial
14 Facility.

15 Probation has already interviewed Mr. Richmond in preparation for its Presentence
16 Investigation Report. He has no other court hearings aside from the imposition of sentence
17 currently set for September 19, 2022. Given the tremendous upside that his ability to continue in
18 rehabilitative programming provides, coupled with the close proximity of his housing in state
19 prison to his current housing in Lerdo Pretrial Facility (approximately 40 minutes away), Mr.
20 Richmond requests that he released from the pending Writ and returned to state custody pending
21 his sentencing hearing.

22 The undersigned has communicated this request to the assigned Assistant United States
23 Attorney. The United States does not oppose the request, provided that Mr. Richmond expressly
24 waive any claim or right he may have under the Interstate Agreement on Detainers Act (IADA),
25 18 U.S.C., Appendix 2, §1, *et seq.* In doing so, the United States does not acknowledge or
26 otherwise concede the applicability of the IADA to this case, including Mr. Richmond's request
27 to be returned to the state custody prior to his judgement and sentencing hearing.
28

1 Attached hereto is a fully executed waiver by Mr. Richmond with respect to any claims
2 or rights he may have under the IADA.

3 The parties anticipate filing a separate writ pertaining only to the sentencing hearing to
4 secure his presence at sentencing.

5
6 Respectfully submitted,

7 HEATHER E. WILLIAMS
8 Federal Defender

9 Date: February 27, 2022

/s/ Meghan D. McLoughlin
MEGHAN D. McLOUGHLIN
Assistant Federal Defender
Attorneys for Defendant
DARYOL RICHMOND

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,) Case No. 1:21-cr-00184-DAD-BAM
10)
11 Plaintiff,)
12 vs.) **RELEASE ORDER**
13 DARYOL RICHMOND,)
14 Defendant.)
15 _____)

16
17 IT IS HEREBY ORDERED, having reviewed and considered the Defendant's unopposed
18 request, that defendant DARYOL RICHMOND shall be released from federal custody and
19 returned forthwith to state custody at Kern Valley State Prison in Delano, California.

20 IT IS SO ORDERED.

21 Dated: **February 28, 2022**

22 
23 _____
24 UNITED STATES DISTRICT JUDGE
25
26
27
28